

Applicant: I-40 South LLC

Agent: Consensus Planning

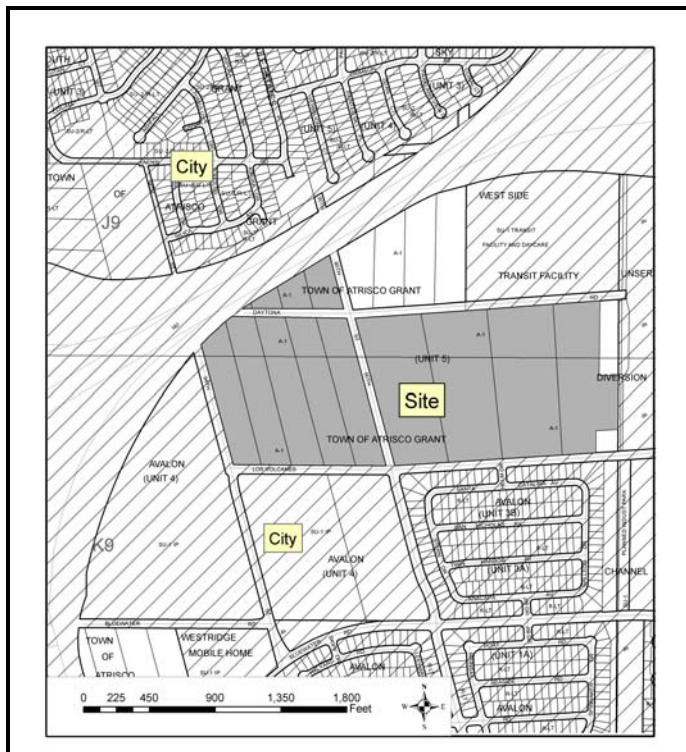
Location: Between and 98th St. and Unser Blvd. south of Daytona Rd.

Property Size: 63 acres (approximately)

Existing Zone: A-1

Proposed Zoning/SUP C-LI

Recommendation: Denial



Summary: This is a request for a zone map amendment from A-1 to C-LI on a 63 acre tract of land located west of Unser Blvd., east of 98th St., south of I-40, and north of Los Volcanes Rd. The property is located to the south and west of the Westside Transportation Facility (under construction) and office warehouse-type businesses nearby Unser Blvd., as well as residential developments, all in the City of Albuquerque.

Staff Planner: Catherine VerEecke, Program Planner

Attachments: 1. Application
2. Zoning and Land Use Maps

Bernalillo County Departments and other agencies reviewed this application from 6/27/06 to 7/10/06. Their comments were used in preparation of this report, and begin on Page 15.

AGENDA ITEM NO.: 16
County Planning Commission
August 2, 2006

CZ-60014 Consensus Planning, agent for I-40 South LLC, requests approval of a zone map amendment from A-1 to C-LI on 13 tracts, southerly portion of Tracts B24 – B27, Tracts B31 – 33, Tracts B29 & 30 excluding portion to ROW in Unit 5, Tracts B11 – B13, and Tract B14A, on the north side of Los Volcanes east of 94th Street, containing approximately 63 acres. (J-9)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land use
	A-1	Vacant
North	I-40 A-1 SU-1(City)	I-40 Vacant Transportation Facility
South	SU-1 R-LT	Vacant Single family residential
East	SU-1(IP)	Light Industrial (office warehouse)
West	SU-1(IP)	Vacant

BACKGROUND:

The Request

The applicant is requesting a zone change from A-1 to C-LI on a 63 acre property located about a third of a mile west of Unser Blvd. extending to 98th St., and to the south of I-40 extending to Los Volcanes Rd. The property is within the Town of Atrisco Land Grant, Unit 5 and the Atrisco Park Community. It consists of 13 parcels and is currently vacant.

Request justification. The applicant's agent states the property is located within the Atrisco Business Park—Regional Employment Center, within the vicinity of a Community Activity Center (as designated in the Comprehensive Plan's Centers and Corridors Plan). C-LI zoning would fulfill goals of providing opportunities for economic development and business recruitment, as stated in the plans. Accordingly, the applicant's agent believes this provides the primary basis for justification under Resolution 116-86: that it would be more advantageous to the community by providing employment opportunities in the employment center, and it would allow clean low intensity commercial and industrial uses similar to those found in the area. The agent also states that the owner of another 12 acres to the east and north of the subject property has simultaneously submitted a request for C-LI zoning for the same reasons, and the property is also adjacent to the City's West Side Transit Facility. Land use decisions in the City of Albuquerque also suggest the intent to develop this area with light industrial uses.

Surrounding Land Uses and Zoning

This property is located in a pocket (about 100 acres) of undeveloped land in unincorporated Bernalillo County surrounded by lands within the City's jurisdiction between Unser Blvd. and 98th St. The area in the County is zoned A-1 and consists of Atrisco Land Grant parcels ranging from about 1 to 10 acres.

To the west and southwest of the property within the City's jurisdiction, up to 98th St., properties have SU-IP zoning but are vacant. To the south of the site, properties are developed with residential uses with R-LT zoning. Similarly on the north side of I-40, properties are developed with residential uses.

Further west beyond 98th St. more properties are within the County's jurisdiction. Those fronting 98th St. have travel related businesses. The Board of County Commissioners had earlier approved Special Use Permits (CZ 87-57, CZ 91-15) for a truck stop and restaurant (Flying J). Immediately south of the truck stop is a property with a hotel and rest area, which has been annexed into the City of Albuquerque. Beyond this area are mainly undeveloped 5 acre parcels of land in the County. In June, 2001, the Extraterritorial Land Use Commission voted to recommend denial of a request for a zone change from A-1 to M-1 to allow a contractor's yard with a watchman/caretaker's residence on a property to the west of 98th St. along Avalon Rd. (CZ-10008).

To the north of the easterly portion of the site, the City's West Side Transit Center is being developed. This use was first approved in Bernalillo County (CZ-95-21) prior to annexation. To the east of this, east of Unser Blvd. a number of properties have office-warehouse types of uses under SU-1 (IP) zoning. Further east is an office warehouse, a church, and a school.

To the immediate east of the site, properties are in the City and are vacant with SU-1 (IP zoning). On the east side of Unser Blvd., there are several large office warehouse type establishments. The area to the south of the site is either vacant or with residential uses. To the immediate east of the residential subdivision is a school and a church. Beyond that are office-warehouse type uses.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing Urban area of the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, lifestyles, while creating a visually pleasing built environment.”

Policy b for the area states that the Developing Urban category shall allow a full range of urban land uses, resulting in an overall gross density of up to 5 units per acre.

Policy j states that new commercial development in Developing Urban areas should generally be located in existing commercially-zoned areas.

The Centers and Corridors Plan Map (adopted in 2002) within the Albuquerque/Bernalillo County Comprehensive Plan shows the subject property as about one-half mile from a ‘Major Activity Center,’ namely the Atrisco Park Business Center (see Attachment 2—Maps). This type of Center provides the most highly concentrated locations of commercial, service, and employment uses in conjunction with area-wide needs.

Policy 7.a (Activity Centers) states "Existing and proposed Activity Centers are designed by a by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost effectiveness of City services. Each activity center will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation."

Policy 7.e states new Activity Centers are designated and added to the Comprehensive Plan through local government review and approval based on specific criteria.

Policy 7.h states "Changing zoning to commercial, industrial or office uses for areas outside the designated Activity Centers is discouraged."

West Side Strategic Plan

The West Side Strategic Plan was adopted by the Bernalillo County Board of County Commissioner's in April 1998. The subject property is located in the Atrisco Park Community in the Plan, which is the triangular wedge of land located between I-40 and Central Avenue, to the west of Coors Blvd. It includes the Central Ave. "Gateway Area". The eastern portion includes the Atrisco Business Park, and the west is the western gateway to the Albuquerque

Metropolitan Area, with travel-related developments. The central portion includes largely undeveloped 5 acre tracts. Policy 3.31 of the Plan states that "It is appropriate for new development, both residential and non-residential, to occur in this community. Redevelopment efforts associated with the existing five acre tracts in this area shall be initiated." The Plan states that these developments ought to occur in the form of planned communities.

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating applications for Zone Map changes and Special Use Permits.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 15.5 C-LI Commercial/Light Industrial Zone

A. The regulations set forth in this section, or set forth elsewhere in this ordinance, when referred to in this section are the regulations in the Commercial/Light Industrial Zone. The purpose of this zone is primarily for community commercial uses, light manufacturing, light fabricating, warehousing, and wholesale distribution with off-street loading and off-street parking for employees, and with ready access to arterial highways or railroads. The regulations in this zone provide for the health, safety and welfare of the residents. The Commercial/Light Industrial Zone is suitable for mapping in areas adjacent to the M-1 or M-2 zones or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development or Area Plans.

B. Use Regulations:

1. Prohibited Uses. The following uses are prohibited in this zone: Church and any residential use, except that each individual industrial use may provide accommodations for one security resident employed on the premises, provided that such accommodations are not used as rental property, and mixed use development as noted under Conditional Uses in this section.
2. Permissive Uses. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
 - a. Amateur Radio Antenna/Tower up to 65 feet as measured from grade.

- b. Arts and crafts objects retail sales, supplies plus their incidental creation.
- c. Automobile, motorcycle, bicycle, motorized bicycle (moped), all terrain vehicle, and small engine repairing, but no bodywork. Repairing shall be done within a completely enclosed building at least 20 feet from any residential zone. Storage of not more than five automobiles awaiting repair shall be permitted provided that the outdoor area in which such cars are stored shall be enclosed by a solid wall or fence at least six feet high.
- d. Auto parts and supply retail sales.
- e. Bakery goods shop or confectionery store wherein a majority of the products are sold on the premises and at retail costs.
- f. Banking and loaning money.
- g. Bicycle and motorized bicycle (moped) sales and rental, provided that outdoor display is permitted only 50 feet or more from any residential zone.
- h. Bottling plant.
- i. Books, magazines, newspapers, stationery for retail sales, but not an adult bookstore.
- j. Car wash.
- k. Clothing, shoes, dry goods for retail sales.
- l. Cold storage plant.
- m. Cosmetics, notions, hobby supplies for retail sales.
- n. Delivery service.
- o. Drive-thru facilities such as banks, drugstores, dry cleaners, restaurants and similar uses provided there is adequate on-site space for vehicle queuing and the vehicle movement plan is approved by the County.
- p. Drug store.
- q. Dry cleaning, laundry, clothes pressing, provided: Only nonflammable or noncombustible materials are used in the cleaning process.

- r. Feed or fruit storage or sales (wholesale), provided all outside storage is enclosed by a solid wall or fence six feet high on all sides abutting A-1, A-2, R-1, R-2, or M-H property.
- s. Foundry, casting of nonferrous metal, provided there shall be no fumes or odors discernible beyond the premises.
- t. Grocery Store.
- u. Health gymnasium.
- v. Ice plant (wholesale).
- w. Institution, including library, museum, school, day care center, but not disciplinary institutions or hospitals for human beings.
- x. Jewelry sales and supplies.
- y. Laboratory (experimental or testing).
- z. Laundry, cleaning, or dyeing works, including rug works and rug and carpet cleaning.
- aa. Nursery or greenhouse provided all outside storage other than plant material is enclosed by a six-foot high solid wall or fence on all sides.
- bb. Office.
- cc. Paint store.
- dd. Pet shop and/or pet grooming, provided there are no outside pens.
- ee. Photographic equipment sales and/or service.
- ff. Public utility structure and public building including fire and police stations.
- gg. Radio and/or television station, and /or motion picture industry activities.
- hh. Restaurant, provided there shall be no drive-in restaurant; and Alcoholic drink may be sold only under a restaurant license for sale of beer and wine, as provided by NMSA 1978, § 60-6A-4.
- ii. Sales and display rooms or buildings for wholesalers, distributors.

- jj. Service station, including the sale of liquefied petroleum gas, but not for resale, provided any tube or tire repairing, minor auto repair or battery charging shall be conducted within a completely enclosed building.
- kk. Sign, on premises, as regulated in the C-1 zone, provided that freestanding signs are limited to 10 feet in height and must be designed as monument signs with an enclosed base.
- ll. Tailoring, dressmaking.
- mm. The following uses must be conducted within a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high, which must be solid along the sides of the site facing or abutting land zoned A-1, A-2, R-1, R-2 or M-H, and provided further that products, items or materials stored on the site are not stacked to a height above the height of the required wall or fence:
 - (1) Building material storage and sales.
 - (2) Contractor's equipment storage, rental, or sale.
 - (3) Machine shop, blacksmith shop, ornamental iron shop, welding shop.
 - (4) Manufacturing, compounding, assembling, or treatment of articles made from the following materials: Bone, shell, cellophane, cork, fibre, fur, glass, horn, leather, precious or semiprecious metals or gems, paint (not involving a boiling process), paper, plastics, textiles, yarn, tobacco, or wood.
 - (5) Manufacturing, compounding, processing, packaging, treating, assembling, maintaining, repairing, overhauling, or rebuilding of the following products: bakery goods, candy, cosmetic goods, toiletries, dairy products, drugs, pharmaceutical goods, electrical appliances, mechanical devices, electronic instruments and devices, radios or phonographs, musical instruments, pottery, figurines, ceramics provided only previously pulverized clay and kilns fired by electricity or gas shall be used, signs, including electric or neon, billboards, commercial advertising structures, toys, and novelties.
 - (6) Sheet metal working (light), including the making of heating or ventilating products or equipment, cornices, and eaves.
 - (7) Warehouse.

- (8) Food processing.
- nn. One residence per business for a security resident employed on the premises provided that such accommodations are not used as rental property.
- oo. Wireless Telecommunications Facility, provided that it satisfies the requirements of section 22.5 of this ordinance, and as specifically allowed below:
 - (1) Face-mounted wireless telecommunications facility.
 - (2) Roof-mounted wireless telecommunications facility, up to 6 feet above the parapet of the building on which it is placed.
 - (3) Concealed wireless telecommunications facility.
 - (4) Wireless telecommunications facility for which all antennas are mounted on an existing vertical structure.

Section 18.b 15. Special Use Permit, Industrial park, that provides suitable sites for a wide range of industrial and commercial uses, provided uses are conducted in a compatible and harmonious manner within commercial and industrial environments achieved through a development plan and further provided it complies with the following requirements:

- a. Yard Requirements. Unless otherwise approved in the development plan, all buildings in the park shall conform to the following yard requirements:
 - (1) Front Yard. There shall be a front yard having a minimum depth of 50 feet.
 - (2) Side and Rear Yards. There shall be a minimum side and rear yards of 20 feet; provided, however, that any side or rear yard abutting a residence in an A-1, A-2, R-1, R-2, or M-H zone shall have a minimum depth of 50 feet.
- b. Building Height:
 - (1) Buildings. The same regulations as in the C-2 zone except as provided in the Supplementary Height and Area Regulation Section of this ordinance.
- c. Maximum Lot Coverage:
 - (1) Principal and accessory buildings may occupy no more than 60 percent of the lot area.
- d. Off-Street Parking. Parking requirements shall be as provided in the Off-Street Parking, Loading and Unloading Regulations Section of this ordinance, except that no parking shall be permitted in the required yard areas.
- e. Landscaping. The front yard setback area and all yards abutting residential zones shall be permanently devoted to and maintained for the growing of trees, shrubs, lawns, and plants or other form of landscape treatment and shall also meet the Landscaping and Buffer Landscaping Regulations Section of this ordinance.

ANALYSIS:

Surrounding Land Uses and Zoning

This property encompasses a large portion (about 63 acres) of what is still an undeveloped area of the County nearby Unser Blvd. and I-40, with A-1 zoning. There is no C-LI or M-1 zoning near the site in either the County or in the City, so that this request for a straight zone change appears to be inconsistent with the surrounding area. In addition, Section 15.5 (C-LI Commercial-Light Industrial Zone) states that “the Commercial/Light Industrial Zone is suitable for mapping in areas adjacent to the M-1 or M-2 zones or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development or Area Plans.” Further, within the City’s jurisdiction, industrial uses (existing or future) are under SU-IP zoning, as opposed to the open-ended M-1 zone, and there also is a significant amount of residential development in the immediate area that would be impacted by this land use.

Although C-LI zoning removes some of the negative uses listed under M-1, it still provides no mechanism for limiting the type or intensity of uses on the site, or of imposing conditions. It also adds a number of commercial uses, which also might not be appropriate for the area (see page 6 above for a listing of the uses). The presence of SU-1 zoning may not be an appropriate justification in this case, given that SU-1 zoning is normally specifies uses includes a site plan and conditions of approval. Section 18.b.15 of the County’s Zoning Ordinance does list “Industrial Park” as a use that may be requested following the requirements of Special Use Permits where impacts to the surrounding area are mitigated by specific zoning and floor area ratio requirements and conditions of approval, although the applicant has elected not to pursue that option.

Plans

The subject property is located in the Developing Urban Area of the Comprehensive Plan, in which ‘single family residential’ is the predominant use. However, the West Side Strategic Plan supports mixed uses for the Atrisco Park area, particularly due to its proximity to the Atrisco Business/Industrial Park. Moreover, the issuance of SU-1 IP zoning or Special Use Permits in the general vicinity of the site indicates that at least some new heavy commercial and light industrial developments may occur in the area.

However, although the site is generally in the Atrisco Park Community of the Westside Strategic Plan, the subject property is not in an area designated as a business center in any County plans. The property is about one-third mile from the Atrisco Park Activity Center, as shown on the Centers and Corridors map on the east side of Unser Blvd. The request also conflicts with related Comprehensive Plan policies (e.g., 7.h) that state that new commercial development should not be located outside the designated activity centers.

In addition, C-LI zoning allows a variety of light industrial uses such as contractor’s yard, warehouse, and light manufacturing. Such uses may be too intense for this particular A-1 zoned site, which is immediately adjacent to residential development, and may not be within the intent of the County land use plans. The approval of SU-IP zoning nearby in the City suggests that new non-residential development must be guided by development plans, which limit uses and site configurations.

Zoning Ordinance

The applicant attempts to argue that this request is consistent with Resolution 116-86 of the Zoning Ordinance in that “changed neighborhood conditions” appear to have taken place including industrial (SU-IP) zoning adjacent to and nearby of the site and the that A-1 zoning is no longer appropriate in the area. In addition, the agent states that request would not create a spot zone because it will help implement the plans for the area.

However, the contrary could hold true in that that land use changes may not have not occurred significantly enough in the immediate vicinity of the site to warrant the zone change at the present time including the fact that a majority of the nearby properties are still vacant. Further, C-LI zoning may not be an appropriate zone for this site given that there are different zones and uses (SU-IP and R-LT) nearby in the City and that this zoning allows uses that would be incompatible with the area. The justification statement also does not give any definitive evidence that this site would in fact develop with a specific use (e.g., an industrial park) or provide employment opportunities as related to the plans for the west side.

In addition, this request is not consistent with the Resolution because it would indeed create a ‘spot zone.’ The site is surrounded by A-1, R-LT, and SU-1 zoning so that the proposed zone would not act as a transition zone for the area.

Agency Comments

Because this is a request for a zone change, agency comments are minimal and are oriented towards building permit requirements. The comments indicate that if the site is developed, departmental regulations (e.g., parking, water and sewer connections, grading and drainage, Traffic study) would need to be followed.

Public Works (Drainage Engineer) has determined that the rear portion of the property is in the flood plain, which may limit the types of development that can take place.

Conclusion

This is currently a request for approval of Bernalillo County's new C-LI (Commercial/Light Industrial) zoning on approximately 63 acres between Daytona Rd. and Los Volcanes Rd. to the south of I-40 and between 98th St. and Unser Blvd. The subject site is within an area of unincorporated Bernalillo County with A-1 zoning, which is surrounded by properties in the City of Albuquerque mainly with SU-1 IP zoning or R-LT zoning. The main argument justifying the request is that the subject property is located in the “vicinity of” a Major Activity Center as designated in the Comprehensive Plan (Centers and Corridors Map). Staff has noted that this property is in fact not in the activity center so that it does appear to conflict with the Plan designation. Therefore, the request does not appear to be justified and could also be viewed as a ‘spot zone’. Related to this, the request is not consistent with the intent of the C-LI zone because it is not adjacent to an M-1 or M-2 zone or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development or Area Plans. In addition, some of the permissive uses allowed by C-LI zoning could have an adverse effect on the neighborhood in which it is proposed.

Analysis Summary

Zoning	
Resolution 116-86	Has not demonstrated that zone change to C-LI is appropriate as opposed to residential use or Special Use Permit; constitutes a spot zone; Does not facilitate the realization of the County land use plans.
Requirements	Allows uses that would negatively impact the neighboring properties; no conditions imposed for regulating activities.
Plans	
Comprehensive Plan	Zone change is not consistent with Comprehensive Plan policies for new industrial or commercial development in designated areas (activity centers).
Area Plan	Not clear if the site is in the employment center designated in the West side Strategic Plan.
Other Requirements	
Environmental Health	Provide sewer and water availability statement, connect upon development
Public Works	Will require grading and drainage plan and traffic study with development.

FINDINGS:

1. This is a request for a zone map amendment from A-1 to C-LI on 13 tracts, southerly portion of Tracts B24 – B27, Tracts B31 – 33, Tracts B29 & 30 excluding portion to ROW in Unit 5, Tracts B11 – B13, and Tract B14A, on the north side of Los Volcanes east of 94th Street, containing approximately 63 acres. (J-9)
2. The property is zoned A-1 and is located in the Developing Area of the Albuquerque/Bernalillo County Comprehensive Plan and in the Atrisco Park Community within the West Side Strategic Plan.
3. The placement of C-LI zoning on this site is not consistent with the Albuquerque/Bernalillo County Comprehensive Plan Centers and Corridors Map designation in that the site is not located within a Major Activity Center.
4. The request is not consistent with Section 15.5 (C-LI Commercial-Light Industrial Zone) which states that states that “the Commercial/Light Industrial Zone is suitable for mapping in areas adjacent to the M-1 or M-2 zones or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development or Area Plans in that the site is not adjacent to M-1 or M-2 zoning and it is not in an area defined as a commercial, industrial or primary employment center.
5. This request conflicts with Resolution 116-86 in that it would create a ‘spot zone’ as adjacent properties have A-1 zoning in the County and SU-1 and R-LT zoning in the City of Albuquerque.
6. This request conflicts with Resolution 116-86 in that the applicants have failed to demonstrate that the existing zoning is not appropriate.
7. This request is not consistent with the health, safety, and general welfare of the residents of the County.

RECOMMENDATION:

DENIAL of CZ-60014, based on the above Findings.

Catherine VerEecke
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

No comments received.

Environmental Health:

1. Water and sewer is available to this area and is bounded by service on the north, south and east. Provide a water and sewer availability statement.
2. Obtain COA Air Quality Div. permits for fugitive dust control.
3. Mosquito control plan for any on-site ponding.

No Adverse Comment to Zone Change.

Zoning Enforcement Manager:

Based on the above comments there is no adverse comments at this time.
shall comply with all applicable zoning requirements for this project if approved.

Zoning Administrator

The C-LI zone was recently added to the Zoning Ordinance to allow for certain higher-intensity commercial uses, as well as lighter manufacturing and industrial activities. This zone essentially permits uses which occur in the C-2 zone (minor auto repair, retail sale of goods and services, and institutions) while also establishing limits and requirements for uses related to building material storage, sales of contracting equipment, and warehousing activities.

Perhaps the most unique feature of the C-LI zone is an owner's ability to seek conditional use approval to allow for a live/work development. As the M-1 and M-2 zones specifically prohibit residential development other than a watchman caretaker's unit to protect the general health and safety of county residents, the C-LI recognizes that some industrial and manufacturing uses can be used in conjunction with, or be within close proximity to, dwelling units.

It should be noted that recent changes to the M-1 and M-2 zones have been reflected in the C-LI concerning the proper screening of materials that will be stored outside. Section B.2.mm. limits the height of items, materials, equipment, supplies, etc. which are stored outside of a building to be of a height no greater than that of the provided fence. If a six-foot fence is provided to meet the screening requirements, items stacked on the property cannot exceed the height of the fence.

Fire:

No comments received.

Public Works:

DRAN:

1. This property is subject to the Bernalillo County Code Chapter 38 for flood damage prevention and storm drainage.
 2. A grading and drainage plan is not required, at this time, as a condition of approval of this zone change request because this request appears to be consistent with the current use of the property and no significant changes to the current development are explicitly or implicitly implied.
 3. A grading and drainage plan, prepared by an engineer licensed in the State of New Mexico, approved by Bernalillo County Public Works Division is required of the entire site prior to any future development, and / or site regrading or resurfacing. This site appears to require access improvements. The grading and drainage plan shall include access roadway analysis and design.
 4. A portion of this property appears to be within a designated 100-year floodplain as shown on the National Flood Insurance Program's Flood Insurance Rate Map (FIRM). Existing storm water flows must enter and leave the property in historic conditions. Any development of this property must conform to the Bernalillo County Flood Control Damage Prevention Ordinance. The property may be subject to flood insurance requirements of the Federal Emergency Management agency (FEMA). Flood insurance is likely to be required for development of these properties. Development in and around the floodplain will have to be addressed specifically by a grading and drainage plan.
 5. This property is subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.
- ZCZ

DRE:

No adverse comment to the zone change, however a Traffic Impact Study and appropriate road infrastructure improvements will be required at the time of site development.

Parks & Recreation:

REVIEWED, NO ADVERSE COMMENT

Sheriff's:

No comment received.

COMMENTS FROM OTHER AGENCIES

MRCOG:

No comment.

AMAFCA:

No objection to requested action. AMAFCA notes that a portion of the property is in a FEMA floodplain. AMAFCA's planned West I-40 Diversion Channel project north of the interstate will remove the floodplain. The owner will be required to participate in an agreement to help fund the channel project.

City Planning Department:

City of Albuquerque Development Services has no adverse comment.

City Public Works:

Transportation Planning: No comments received.

Transportation Development: No adverse comments.

Water Resources: No adverse comments.

City Transit:

No ABQ Ride service is within walking distance of the site.

Transit agrees that non-residential uses would be preferable in this area, in close proximity to Transit's Daytona Maintenance Facility where bus maintenance and operations may occur 24 hours a day in the future.

City Open Space:

Open Space does not have any comments for projects to be heard August 2, 2006.

NMDOT

Case description: Zone change request from A-1 to C-LI

Location: Albuquerque, south of I-40 between Unser (NM 345) and 98th Street

Type of development (Residential/commercial): Commercial

Possible Impacted NMDOT roadway(s): I-40

Departments Comments: The NMDOT needs to make sure that provisions for a Frontage road on the south side of I-40 are incorporated into the development plan and that a Traffic Impact Analysis (TIA) is conducted in conjunction with the development of the property.

PNM

No comment based upon the information provided to date.

NEIGHBORHOOD ASSOCIATIONS: